

REMARKS/ARGUMENTS

This reply is responsive to an Office Action mailed on October 27, 2006. Reconsideration and allowance of the application and presently pending claims 1, 3-14, and 16-21 are respectfully requested.

Present Status of the Patent Application

Claims 1, 3-14, and 16-21 remain pending in the present application. Claims 1-21 have been rejected. Claims 22-28 have been withdrawn due to a restriction election. Claims 1, 3, 5, 11, 12, 19, and 21 have been amended. Claims 2 and 15 have been cancelled.

Applicant wishes to express his appreciation to the Examiner for the acknowledgement of allowable subject matter in claim 11. Claim 11 has been re-written into independent form, including modifications to overcome the U.S.C. §112, second paragraph, rejection, to place it in condition for allowance as stated by the Office Action.

Response to Drawing Objections

The drawings stand object to as failing to comply with 37 CFR 1.84(p)(5) because they include reference characters not mentioned in the description or they do not include a reference sign mentioned in the description. Specification paragraphs [0030], [0057], [0072], and [0084] have been amended to overcome these objections.

Response to Claim Rejections Under 35 U.S.C. §112, Second Paragraph

Claims 5-19 and 21 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 5, 12, 19, and 21

have been amended to overcome this rejection. The amendments to the claims were made to render them more clear and definite and to emphasize the patentable novelty thereof. There is no intent to surrender equivalence.

Response to Claim Rejections Under 35 U.S.C. §102

Claims 1-5 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Kawamoto (U.S. Pat. No. 6,997,395). Applicant respectfully traverses this rejection.

Claims 1-5 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Zell et al. (U.S. Pat. No. 4,530,131). Applicant respectfully traverses this rejection.

Claims 1-7 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Wisdom et al. (U.S. Pat. No. 3,775,053). Applicant respectfully traverses this rejection.

Claims 1-10, 13, 14, and 16-19 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Rohrbacher (U.S. Pat. No. 5,718,015). Applicant respectfully traverses this rejection.

Claims 1 and 15 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Cannan (U.S. Pat. No. 3,958,298). Applicant respectfully traverses this rejection.

Claims 1 and 21 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Ellison et al. (U.S. Pat. No. 4,723,337). Applicant respectfully traverses this rejection.

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose all elements/features/steps of the claim. See, e.g., *E.I. du Pont Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 USPQ2d 1129 (Fed. Cir. 1988).

Independent Claim 1 regarding Kawamoto

Independent claim 1, as amended, is allowable for at least the reasons that Kawamoto does not disclose, teach, or suggest the following:

- 1) "an elongated fluid collector physically separate from the sprayer",
- 2) a "fluid collector ... resting along its entire length on the surface to be cleaned to help block fluid flowing therealong",
- 3) "the fluid collector being substantially hollow throughout its length and includes an elongated perforated surge barrier and a perforated suction conduit for being disposed within the hollow interior of said barrier", or
- 4) "the surge barrier being general U-shaped and including a seal extending along one edge of the surge barrier to help retain the fluid within the surge barrier and prevent the surge barrier from moving"

Kawamoto discloses a nozzle 36 that is neither "elongated" nor "separate from the sprayer" as shown in FIG. 3. In fact, Kawamoto discloses a fluid sprayer 13 that is physically connected to a recovery unit 14 that converge at the nozzle 36, such that the cleaning solvent is discharged from the nozzle 36 and the wastewater is vacuumed up through the nozzle 36. Furthermore, Kawamoto discloses that the nozzle 36 is held via the vacuum to the wall 110 or other surface being cleaned and is moved along the wall or other surface in order to clean the entire wall or other surface, not "resting along its entire length on the surface to be cleaned to help block fluid flowing therealong." In addition, the nozzle of Kawamoto does not disclose "an elongated perforated surge

barrier", "a perforated suction conduit", a "U-shaped" surge barrier, or "a seal extending along one edge of the surge barrier to help retain the fluid with the surge barrier and prevent the surge barrier from moving". Therefore, Kawamoto does not disclose the "fluid collector" of claim 1.

Accordingly, the rejection is deficient in these areas. Notwithstanding, the undersigned has reviewed the entirety of the Kawamoto patent and has failed to identify any such teachings anywhere within this reference. Accordingly, the Kawamoto patent fails to teach or disclose the invention as defined by claim 1, and the rejection of claim 1 should be withdrawn.

Independent Claim 1 regarding Zell

Independent claim 1, as amended, is allowable for at least the reasons that Zell, does not disclose, teach, or suggest the following:

- 1) "an elongated fluid collector",
- 2) a "fluid collector ... resting along its entire length on the surface to be cleaned to help block fluid flowing therealong",
- 3) "the fluid collector being substantially hollow throughout its length and includes an elongated perforated surge barrier and a perforated suction conduit for being disposed within the hollow interior of said barrier", or
- 4) "the surge barrier being general U-shaped and including a seal extending along one edge of the surge barrier to help retain the fluid within the surge barrier and prevent the surge barrier from moving"

Zell discloses a vacuum hose 59 with a smaller diameter eductor hose portion 59' as shown in the figure. The Zell patent merely discloses using the opening at the

end of the eductor 59' to collect the used cleaning solution, this opening is not "an elongated fluid collector." In addition, the eductor 59' is used to "sweep up the liquid from the bottom the tank" (col. 3, lines 27-28), not "resting along its entire length on the surface to be cleaned to help block fluid flowing therealong." Furthermore, Zell does not disclose a system with "an elongated perforated surge barrier", "a perforated suction conduit", a "U-shaped" surge barrier, or "a seal extending along one edge of the surge barrier to help retain the fluid with the surge barrier and prevent the surge barrier from moving." Therefore, Zell does not disclose the "fluid collector" of claim 1.

Accordingly, the rejection is deficient in these areas. Notwithstanding, the undersigned has reviewed the entirety of the Zell patent and has failed to identify any such teachings anywhere within this reference. Accordingly, the Zell patent fails to teach or disclose the invention as defined by claim 1, and the rejection of claim 1 should be withdrawn.

Independent Claim 1 regarding Wisdom

Independent claim 1, as amended, is allowable for at least the reasons that Wisdom does not disclose, teach, or suggest the following:

- 1) "an elongated fluid collector physically separate from the sprayer",
- 2) a "fluid collector ... resting along its entire length on the surface to be cleaned to help block fluid flowing therealong",
- 3) "the fluid collector being substantially hollow throughout its length and includes an elongated perforated surge barrier and a perforated suction conduit for being disposed within the hollow interior of said barrier", or

- 4) "the surge barrier being general U-shaped and including a seal extending along one edge of the surge barrier to help retain the fluid within the surge barrier and prevent the surge barrier from moving"

Wisdom discloses a vacuum chamber 104 that is not "separate from the sprayer" as shown in FIGS. 5 and 6. In fact, the Wisdom patent discloses an applicator 33 that includes at least one spray nozzle 108 for discharging solvent and the vacuum chamber 104 for removing the solvent from the surface being cleaned. Furthermore, Wisdom discloses that the applicator 33 with the vacuum chamber is moved along the surface to be cleaned, such as a fabric 47, not "resting along its entire length on the surface to be cleaned to help block fluid flowing therealong." In addition, Wisdom does not disclose the applicator 33 having "an elongated perforated surge barrier", "a perforated suction conduit", a "U-shaped" surge barrier, or "a seal extending along one edge of the surge barrier to help retain the fluid with the surge barrier and prevent the surge barrier from moving." Therefore, Wisdom does not disclose the "fluid collector" of claim 1.

Accordingly, the rejection is deficient in these areas. Notwithstanding, the undersigned has reviewed the entirety of the Wisdom patent and has failed to identify any such teachings anywhere within this reference. Accordingly, the Wisdom patent fails to teach or disclose the invention as defined by claim 1, and the rejection of claim 1 should be withdrawn.

Independent Claim 1 regarding Rohrbacher

Independent claim 1, as amended, is allowable for at least the reasons that Rohrbacher does not disclose, teach, or suggest the following:

- 1) "an elongated fluid collector physically separate from the sprayer",

- 2) a "fluid collector ... resting along its entire length on the surface to be cleaned to help block fluid flowing therealong",
- 3) "the fluid collector being substantially hollow throughout its length and includes an elongated perforated surge barrier and a perforated suction conduit for being disposed within the hollow interior of said barrier", or
- 4) "the surge barrier being general U-shaped and including a seal extending along one edge of the surge barrier to help retain the fluid within the surge barrier and prevent the surge barrier from moving"

Rohrbacher discloses a water reclamation ring 62 that is neither "elongated" nor "separate from the sprayer" as shown in FIGS. 1 and 3. In fact, the Rohrbacher patent discloses a water cyclone sprayer 50 that includes an encircling spray bar 54 with jets 55 for spraying water and the water reclamation ring 62 containing a plurality of holes 63 for vacuuming up the wastewater. Furthermore, Rohrbacher discloses that the water cyclone sprayer 50 includes wheels for moving the water reclamation ring 62 around the surface to be cleaned, not for "resting along its entire length on the surface to be cleaned to help block fluid flowing therealong." In addition, Rohrbacher does not disclose the water reclamation ring 62 having "an elongated perforated surge barrier", "a perforated suction conduit", a "U-shaped" surge barrier, or "a seal extending along one edge of the surge barrier to help retain the fluid with the surge barrier and prevent the surge barrier from moving." Therefore, Rohrbacher does not disclose the "fluid collector" of claim 1.

Accordingly, the rejection is deficient in these areas. Notwithstanding, the undersigned has reviewed the entirety of the Rohrbacher patent and has failed to identify any such teachings anywhere within this reference. Accordingly, the

Rohrbacher patent fails to teach or disclose the invention as defined by claim 1, and the rejection of claim 1 should be withdrawn.

Independent Claim 1 regarding Cannan

Independent claim 1, as amended, is allowable for at least the reasons that Cannan does not disclose, teach, or suggest the following:

- 1) "an elongated fluid collector physically separate from the sprayer",
- 2) a "fluid collector ... resting along its entire length on the surface to be cleaned to help block fluid flowing therealong",
- 3) "the fluid collector being substantially hollow throughout its length and includes an elongated perforated surge barrier and a perforated suction conduit for being disposed within the hollow interior of said barrier",
- 4) "the surge barrier being general U-shaped and including a seal extending along one edge of the surge barrier to help retain the fluid within the surge barrier and prevent the surge barrier from moving", or
- 5) "recycling units for enabling the re-use of the withdrawn waste fluid"

Cannan discloses a suction head 30 that is not "separate from the sprayer" as shown in FIG. 7. In fact, Cannan discloses that the suction head 30 includes a spray nozzle 40 for discharging a detergent solution onto the surface to be cleaned. The used detergent solution is nearly simultaneously removed from the surface via the vacuum in the suction head. In addition, Cannan discloses that the suction head 30 is moved over the surface to be cleaned, not "resting along its entire length on the surface to be cleaned to help block fluid flowing therealong." Also, the Cannan patent does not disclose the suction head having "an elongated perforated surge barrier", "a perforated

suction conduit", a "U-shaped" surge barrier, or "a seal extending along one edge of the surge barrier to help retain the fluid with the surge barrier and prevent the surge barrier from moving." Furthermore, the device of Cannan merely discloses storing the used detergent solution in a waste receptacle 74 for disposal at a later time, not recycling the detergent solution using "recycling units" for re-use. Therefore, Kawamoto does not disclose the "fluid collector" or "recycling units" of claim 1.

Accordingly, the rejection is deficient in these areas. Notwithstanding, the undersigned has reviewed the entirety of the Cannan patent and has failed to identify any such teachings anywhere within this reference. Accordingly, the Cannan patent fails to teach or disclose the invention as defined by claim 1, and the rejection of claim 1 should be withdrawn.

Independent Claim 1 regarding Ellison

Independent claim 1, as amended, is allowable for at least the reasons that Ellison does not disclose, teach, or suggest the following:

- 1) "an elongated fluid collector physically separate from the sprayer",
- 2) a "fluid collector ... resting along its entire length on the surface to be cleaned to help block fluid flowing therealong",
- 3) "the fluid collector being substantially hollow throughout its length and includes an elongated perforated surge barrier and a perforated suction conduit for being disposed within the hollow interior of said barrier",
- 4) "the surge barrier being general U-shaped and including a seal extending along one edge of the surge barrier to help retain the fluid within the surge barrier and prevent the surge barrier from moving", or

5) "recycling units for enabling the re-use of the withdrawn waste fluid"

Ellison discloses a suction head 31 that is not "separate from the sprayer" as shown in FIG. 5. In fact, Ellison discloses that the suction head 31 includes a high pressure cleaning nozzle 32 for discharging a cleaning liquid onto the surface to be cleaned. The used cleaning liquid is withdrawn from the surface via the vacuum in the suction head 31. In addition, Ellison discloses that the suction head 31 is moved over the surface to be cleaned, not "resting along its entire length on the surface to be cleaned to help block fluid flowing therealong." Also, the Ellison patent does not disclose the suction head 31 having "an elongated perforated surge barrier", "a perforated suction conduit", a "U-shaped" surge barrier, or "a seal extending along one edge of the surge barrier to help retain the fluid with the surge barrier and prevent the surge barrier from moving." Furthermore, the device of Ellison merely discloses storing the used cleaning liquid in a dirty water holding tank 44 for disposal using dirty water discharge pump 51 at a later time, not recycling the cleaning liquid using "recycling units" for re-use. Therefore, Ellison does not disclose the "fluid collector" or "recycling units" of claim 1.

Accordingly, the rejection is deficient in these areas. Notwithstanding, the undersigned has reviewed the entirety of the Ellison patent and has failed to identify any such teachings anywhere within this reference. Accordingly, the Ellison patent fails to teach or disclose the invention as defined by claim 1, and the rejection of claim 1 should be withdrawn.

Response to Claim Rejections Under 35 U.S.C. §103

Claim 12 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Wisdom in view of Colt et al. (U.S. Pat. No. 3,831,223).

Claims 20 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Ellison as applied to claim 1 in view of Wisdom.

Claims 12 and 20 are dependent on independent claim 1, and are allowable for the reasons described above regarding the §102 rejections. Therefore, the rejection of claims 12 and 20 should be withdrawn.

Dependent Claims

Dependent claims 3-10, 12-14, and 16-21 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 1. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

CONCLUSION

The other cited art of record has been reviewed, and it is believed that the claims, as amended, patentably distinguish thereover.

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and rejections have been traversed, rendered moot, and/or accommodated, and that now pending claims 1, 3-14, and 16-21 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned at 619-209-3063.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

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